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Attorney Ref. 20002.0365



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: P. Puniello *et al.*

Application No.: 10/748,210

Group Art Unit: 1722

Filed: December 31, 2003

Examiner: To be assigned

For: CO-INJECTION NOZZLE, METHOD OF ITS USE, AND RESULTING GOLF BALL

DECLARATION IN SUPPORT OF PETITION UNDER 37 CFR 1.47

Mail Stop Missing Parts
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

I, Troy R. Lester, declare the following:

1. I am a citizen of the United States of America, and reside at 38 Clarks Cove Drive, South Dartmouth, MA 02748.
2. I am the Chief Patent Counsel at Acushnet Company, having a place of business at 333 Bridge Street, Fairhaven, MA 02719. I have been employed by Acushnet Company since August, 2000.
3. This application has five inventors. Paul Puniello and Christopher Cavallaro are both employees of the Acushnet Company and have executed the declaration. Douglas Helper, Christopher Grace and David Crandall were employees of Polyshot and Douglas Helper and Christopher Grace have executed the declaration. However, David Crandall's employment with Polyshot was terminated prior to the mailing of the Notice to File Missing Parts for the subject application and he has not executed the declaration.
4. The Acushnet Company and Polyshot entered into an Agreement on January 4, 2002.

Section 5 states:

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Seller agrees that all services provided hereunder by Seller are performed as works for hire and all work product resulting from performance of the Services is the exclusive property of Acushnet. Seller agrees to promptly sign and have each applicable employee promptly sign all documentation requested by Acushnet to establish Acushnet's ownership therein or for purposes of filing patent applications with respect thereto.

5. I have made several attempts to contact David Crandall, to obtain a signed declaration from him. Specific examples of these attempts are detailed below.
6. On May 13, 2004, shortly after being notified of the April 29, 2004 Notice to File Missing Parts, I sent a letter to Mr. Crandall forwarding a copy of the declaration and a return, pre-paid, express mail envelope and asked him to sign and return the declaration. This letter was delivered to David Crandall at 6834 Lakeside Rd. Ontario, NY, his last known address. A copy of this letter is enclosed herewith as Exhibit A.
7. On June 4, 2004, having received no reply to the first letter, I sent a second letter to Mr. Crandall reminding him to sign the declaration, and asking him to return the same. A copy of this letter is enclosed herewith as Exhibit B.
8. We have never received an executed copy of the declaration from David Crandall.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted,



Dated: June 28, 2004

Troy R. Lester
Reg. No. 36,200

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ACUSHNET COMPANY

May 13, 2004

VIA OVERNIGHT MAIL

Mr. David J. Crandall
6834 Lakeside Road
Ontario, NY 14519

Re: Execution of Declaration & Assignment
For: U.S. Application No. 10/748,210
Co-Injection Nozzle, Method Of Its Use, and Resulting Golf Ball

Dear David,

As you know we filed the above-identified application on December 31, 2003. Please note that we now need to submit the executed Declaration and Assignment for this case by June 29, 2004. Therefore, we request that you sign both of these documents where indicated and return them to us in the enclosed Federal Express envelope. If convenient, we would appreciate your having the assignment notarized.

We thank you very much for your assistance on this matter. Please call me if you have any questions.

Very truly yours,



Troy R. Lester
Chief Patent Counsel

TRL/jlf
Enc.

Titleist

333 Bridge Street
Fairhaven, MA 02719-0965


cobra.

FootJoy

508-979-3534 phone
508-979-3092 fax

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ACUSHNET COMPANY

June 4, 2004

VIA OVERNIGHT MAIL

Mr. David J. Crandall
6834 Lakeside Road
Ontario, NY 14519

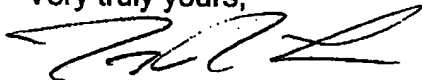
Re: Execution of Declaration & Assignment
For: U.S. Application No. 10/748,210
Co-Injection Nozzle, Method Of Its Use, and Resulting Golf Ball

Dear David,

Further to my letter dated May 13, 2004, please execute the Declaration and Assignment at your earliest convenience and return to me for filing prior to June 29, 2004. We have received all of the other documents and would like to get yours as soon as possible.

We thank you very much for your assistance on this matter. Please call me if you have any questions.

Very truly yours,



Troy R. Lester
Chief Patent Counsel

TRL/jlf

Titleist

333 Bridge Street
Fairhaven, MA 02719-0965


cobra.

FOOTJOY

508-979-3534 phone
508-979-3092 fax



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Attorney Docket No. 20002.0365

DECLARATION

SOLE/JOINT INVENTOR
ORIGINAL/SUBSTITUTE/CIP

As a below named inventor, I hereby declare that: my residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CO-INJECTION NOZZLE, METHOD OF ITS USE, AND RESULTING GOLF BALL

as described in the specification ☐ attached or ☒ of Patent Application No. 10/748,210 filed December 31, 2003 and amended on _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above; that I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application; that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months prior to this application; and that I acknowledge the duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations § 1.56(a). Such information is material when it is not cumulative to information already of record or being made of record in the application, and

- (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) it refutes, or is inconsistent with, a position the applicant has taken or may take in:
 - (i) opposing an argument of unpatentability relied on by the Office, or
 - (ii) asserting an argument of patentability.

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a) – (d) or 365(b) of any foreign application(s) for patent or inventor's certificates, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, any foreign application(s) for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application(s) on which priority is claimed:

COUNTRY	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02b attached hereto:

I hereby claim the benefit under 35 USC 119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	DATE OF FILING

☐ Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02b attached hereto:

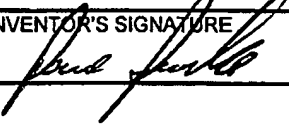
I hereby claim the benefit under Title 35 United States Code § 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as any subject matter of any claim of this application is not disclosed in the prior United States or PCT International application, in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose material


information as defined in Title 37, Code of Federal Regulations § 1.56(a) which occurred between the filing date of the prior application and the national PCT international filing date of this application:

U.S. Parent Application or PCT Parent Number	Parent Filing Date	Parent Patent Number

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

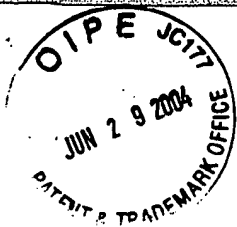
FULL NAME OF SOLE OR 1 ST INVENTOR	INVENTOR'S SIGNATURE	DATE
Paul A. Puniello		5-17-04
RESIDENCE	CITIZENSHIP	
8 Paull Street, Bristol, RI 02809	USA	
POST OFFICE ADDRESS		
Same as residence		

FULL NAME OF SOLE OR 2 ND INVENTOR	INVENTOR'S SIGNATURE	DATE
Christopher Cavallaro		5/17/04
RESIDENCE	CITIZENSHIP	
17 Bachand Road, Lakeville, MA 02347	USA	
POST OFFICE ADDRESS		
Same as residence		

FULL NAME OF SOLE OR 3 RD INVENTOR	INVENTOR'S SIGNATURE	DATE
Christopher T. Grace		
RESIDENCE	CITIZENSHIP	
447 Lowden Point Road, Rochester, NY 14612	USA	
POST OFFICE ADDRESS		
Same as residence		

FULL NAME OF SOLE OR 4 TH INVENTOR	INVENTOR'S SIGNATURE	DATE
David J. Crandall		
RESIDENCE	CITIZENSHIP	
6834 Lakeside Road, Ontario, NY 14519	USA	
POST OFFICE ADDRESS		
Same as residence		

FULL NAME OF SOLE OR 5 TH INVENTOR	INVENTOR'S SIGNATURE	DATE
Douglas C. Hepler		
RESIDENCE	CITIZENSHIP	
206 Silver Fox Circle, Rochester, NY 14612	USA	
POST OFFICE ADDRESS		
Same as residence		



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Attorney Docket No. 20002.0365

DECLARATION

SOLE/JOINT INVENTOR
ORIGINAL/SUBSTITUTE/CIP

As a below named inventor, I hereby declare that: my residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CO-INJECTION NOZZLE, METHOD OF ITS USE, AND RESULTING GOLF BALL

as described in the specification ☐ attached or ☒ of Patent Application No. 10/748,210 filed December 31, 2003 and amended on _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above; that I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application; that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months prior to this application; and that I acknowledge the duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations § 1.56(a). Such information is material when it is not cumulative to information already of record or being made of record in the application, and

- (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) it refutes, or is inconsistent with, a position the applicant has taken or may take in:
 - (i) opposing an argument of unpatentability relied on by the Office, or
 - (ii) asserting an argument of patentability.

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a) – (d) or 365(b) of any foreign application(s) for patent or inventor's certificates, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, any foreign application(s) for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application(s) on which priority is claimed:

COUNTRY	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02b attached hereto:

I hereby claim the benefit under 35 USC 119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	DATE OF FILING

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I hereby claim the benefit under Title 35 United States Code § 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as any subject matter of any claim of this application is not disclosed in the prior United States or PCT International application, in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose material

information as defined in Title 37, Code of Federal Regulations § 1.56(a) which occurred between the filing date of the prior application and the national PCT international filing date of this application:

U.S. Parent Application or PCT Parent Number	Parent Filing Date	Parent Patent Number

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Paul A. Puniello		
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Same as residence		

FULL NAME OF SOLE OR 2 ND INVENTOR	INVENTOR'S SIGNATURE	DATE
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17 Bachand Road, Lakeville, MA 02347		USA
POST OFFICE ADDRESS		
Same as residence		

FULL NAME OF SOLE OR 3 RD INVENTOR	INVENTOR'S SIGNATURE	DATE
Christopher T. Grace	<i>Christopher T. Grace</i>	June 1, 2004
RESIDENCE		CITIZENSHIP
447 Lowden Point Road, Rochester, NY 14612		USA
POST OFFICE ADDRESS		
Same as residence		

FULL NAME OF SOLE OR 4 TH INVENTOR	INVENTOR'S SIGNATURE	DATE
David J. Crandall		
RESIDENCE		CITIZENSHIP
6834 Lakeside Road, Ontario, NY 14519		USA
POST OFFICE ADDRESS		
Same as residence		

FULL NAME OF SOLE OR 5 TH INVENTOR	INVENTOR'S SIGNATURE	DATE
Douglas C. Hepler	<i>Douglas C. Hepler</i>	6/3/04
RESIDENCE		CITIZENSHIP
206 Silver Fox Circle, Rochester, NY 14612		USA
POST OFFICE ADDRESS		
Same as residence		